

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA**

Ethan Radvansky, <i>on behalf of himself and</i>)	Case No.: 3:23-cv-00214-TCB
<i>others similarly situated,</i>)	
)	
Plaintiff,)	
)	
v.)	
)	
Kendo Holdings, Inc., d/b/a Fenty Beauty,)	
)	
Defendant.)	
_____)	

**PLAINTIFF’S SECOND NOTICE OF SUPPLEMENTAL AUTHORITY IN
SUPPORT OF HIS RESPONSE IN OPPOSITION TO DEFENDANT’S
MOTION FOR JUDGMENT ON THE PLEADINGS**

1. On August 4, 2025, Kendo Holdings, Inc., d/b/a Fenty Beauty (“Defendant”) filed its memorandum in support of its motion for judgment on the pleadings, through which it contended that the Telephone Consumer Protection Act (“TCPA”) at “227(c) applies only to ‘calls’ and not text messages,” and that the TCPA “does not define telephone ‘call’ to include text messages.” ECF No. 43-1 at 14.

2. On September 18, 2025, Ethan Radvansky (“Plaintiff”) filed his response in opposition to Defendant’s motion for judgment on the pleadings, through which he argued that the TCPA at 47 U.S.C. § 227(c) applies to text messages, and that a text message qualifies as a call under the TCPA. *See* ECF No. 46 at 19-24.

3. On October 7, 2025—following the Supreme Court’s decision in *McLaughlin Chiropractic Assocs., Inc. v. McKesson Corp.*, 606 U.S. 146 (2025), and after Plaintiff submitted his response in opposition to Defendant’s motion for judgment on the pleadings—the United States District Court for the Northern District of California rejected a TCPA defendant’s contention “that section 227(c)(5) does not cover text messages[.]” *Wilson v. Medvidi Inc.*, No. 5:25-CV-03996-BLF, 2025 WL 2856295, at *2 (N.D. Cal. Oct. 7, 2025).

4. In doing so, the Northern District of California dispensed with a number of arguments Defendant includes in connection with its motion for judgment on the pleadings. *See id.* at *2

5. Plaintiff therefore submits the Northern District of California's decision in *Wilson* as supplemental authority in support of his response in opposition to Defendant's motion for judgment on the pleadings.

Date: October 14, 2025

/s/ Aaron D. Radbil

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